

# EXHIBIT 9

ROBERT GRIMAILA - 11/7/2013

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ASARCO, LLC, ) CASE NO. 4:11-CV-00864 JAR  
                )  
PLAINTIFF,     )  
                ) VIDEOTAPE  
vs.             ) DEPOSITION OF  
                ) ROBERT GRIMAILA  
NL INDUSTRIES, INC., )  
ET AL.,         )  
                )  
DEFENDANTS.    )

VIDEOTAPE DEPOSITION OF ROBERT GRIMAILA, taken before Mary Lou Harmon, RPR, CRR, CSR(IA), CCR, General Notary Public within and for the State of Nebraska, beginning at 9:05 a.m., on the 7th day of November 2013, at Cassem, Tierney, Adams, Gotch & Douglas, Suite 302, 9290 West Dodge Road, Omaha, Nebraska.

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1 knowledge of any further documents, no.

2 BY MR. EVANS:

3 Q. All right. So state for the court, and then  
4 we'll move on, that you have not seen any documents  
5 related to any of the allegations other than the notice  
6 of deposition and the complaint itself?

7 MS. MCINTOSH: Objection. The question  
8 mischaracterizes Mr. Grimalia's testimony.

9 THE WITNESS: Again, the only documents  
10 I've reviewed are the notice of deposition and the  
11 second amended complaint.

12 BY MR. EVANS:

13 Q. Why didn't you look at any data?

14 A. Data related to?

15 Q. To the claims concerning the waste allegedly  
16 left in SEMO by Union Pacific and its predecessor  
17 railroad?

18 MS. MCINTOSH: Objection. The question  
19 is vague.

20 THE WITNESS: The SEMO site noted in the  
21 second amended complaint does not involve Union Pacific.  
22 We have not been notified from the EPA or any other  
23 method. It has not come to my attention as a site of  
24 concern.

25

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1 \$80 million.

2 Q. Do you disagree with the claim made by ASARCO  
3 against Union Pacific in the first amended complaint?

4 A. I don't have enough knowledge or information  
5 to draw a conclusion. And, as I said earlier, the EPA  
6 nor the state have ever contacted us about this. It's  
7 not been a focus of study in our group.

8 Q. Is it a requirement that the EPA contact you  
9 or the state contact Union Pacific for the allegations  
10 to be true?

11 MS. MCINTOSH: Objection: Calls for a  
12 legal conclusion.

13 THE WITNESS: No.

14 BY MR. EVANS:

15 Q. Do you know what the contaminants of concern  
16 are at the SEMO sites?

17 A. I know only what I read in the second amended  
18 complaint.

19 Q. Do you know that lead is one of the  
20 contaminants of concern?

21 A. Yes.

22 Q. Cadmium is?

23 A. I believe that was mentioned, yes.

24 Q. Zinc?

25 A. I believe that was mentioned.

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1 MS. MCINTOSH: Objection. The question  
2 calls for a legal conclusion.

3 THE WITNESS: I said that I'm not aware  
4 of having been notified that we have any responsibility  
5 in the SEMO sites, because I haven't heard from the EPA  
6 or the state.

7 BY MR. EVANS:

8 Q. You've heard from ASARCO; right?

9 A. I've read the second amended complaint, yes.

10 Q. Did you do anything to investigate that?

11 A. I have not.

12 Q. Are you taking the position that Union Pacific  
13 does not own any property that at any time has been  
14 located in the Bonne Terre area?

15 MS. MCINTOSH: Objection. The -- first  
16 of all, it calls for a legal conclusion, and it also  
17 mischaracterize's Mr. Grimalia's testimony.

18 THE WITNESS: I'm saying that I don't  
19 have any personal knowledge about such ownership.

20 BY MR. EVANS:

21 Q. Referring to Page 2 of Exhibit 3, on the back,  
22 it says, "Union Pacific's Missouri history."

23 Do you see that, sir?

24 A. Yes, I do.

25 Q. Do you see that Union Pacific -- what is

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1 CERTIFICATE OF REPORTER

2 I, Mary Lou Harmon, a Certified Shorthand  
3 Reporter, hereby certify that the witness in the  
4 foregoing deposition was by me duly sworn to tell  
5 the truth, the whole truth, and nothing but the  
6 truth in the within-entitled cause;

7 That said deposition was taken down in  
8 shorthand by me, a disinterested person, at the time  
9 and place therein stated, and that the testimony of  
10 the said witness was thereafter reduced to  
11 typewriting, by computer, under my direction and  
12 supervision;

13 That before completion of the deposition,  
14 review of the transcript was requested. Any changes  
15 made by the deponent (and provided to the reporter)  
16 during the period allowed are appended hereto.

17 I further certify that I am not of counsel  
18 or attorney for either or any of the parties to the  
19 said deposition, nor in any way interested in the  
20 event of this cause, and that I am not related to  
21 any of the parties thereto.

22 DATED: November 13, 2013

23 MARY LOU HARMON, RPR, CRR  
24 CSR NO. 0112

25 My commission expires: